

THE COMMONWEALTH

KENTUCKY LEGISLATURE.

IN SENATE.

SATURDAY, Feb. 6, 1858.

[CORRECTION.—The name of Mr. COSBY was accidentally published in our proceedings of yesterday, as voting against the bill to increase the capital of the Commercial Bank of Kentucky.—Mr. COSBY was absent on leave and of course did not vote on any question on that day.]

Prayer by Rev. B. B. SMITH, D. D. of the Episcopal church.
The Journal of yesterday was read by the clerk.

A MESSAGE FROM THE H. R.

Was received announcing the passage of a number of bills of some of which originated in the Senate and some in the H. R. [for the titles of these bills see H. R. proceedings of yesterday, they will be more particularly noticed when acted on by the Senate.]

PETITIONS.

Were presented by Messrs. GILLIS, GRUNDY, and HEADLEY and appropriately referred.

REPORT OF ENROLLMENTS.

Mr. WALTON from the committee on Enrollments made a report of sundry bills correctly enrolled, and they were signed by the SPEAKER.

REPORTS FROM STANDING COMMITTEES.

The unfinished report of the committee on Circuit Courts, being "a bill establishing equity and criminal courts in the 7th, 9th, 10th, 11th, and 13th judicial districts was taken up.

Mr. McBRAYER offered an amendment adding the 5th, district, which was adopted. The bill then was ordered to be printed and made the special order for Monday at 10½ o'clock.

Mr. WHITAKER, Circuit Courts—a H. R. bill to establish equity and criminal courts in the 4th judicial district.

Messrs. BLEDSOE, WHITAKER, WALTON, EDWARDS, WRIGHT, SILVER, TOOTH and TAYLOR advocated the bill as being absolutely necessary to the interests of the people of the district.

Mr. ANDREWS thought it bad policy to inaugurate this system of chancellors in the several districts in the State.

Mr. MANTHEWSON opposed the bill.

Mr. BRUNER moved the previous question, which was sustained.

Mr. BRUNER's amendment was then rejected.

Mr. EDWARDS advocated the bill at length, and showed that the bill was not only right and just in itself, but was one which was absolutely required by the condition of the dock in the 4th judicial district. While the judge (Hon. A. W. Graham) was a learned, competent and laborious judge, he could not keep up the business; nor could any judge in the State. Owing to the fact that the district being a "border district" the large number of criminal and penal cases consumed nearly all of the time of the sessions of some of the courts.

The bill was then passed by the following vote.

YEAS—Messrs. Speaker (King), Bledsoe, Buckner, Darnaby, Edwards, Fisk, Garrard, Gillis, Grundy, Haycraft, Headley, Mallory, McBrayer, Smith, Sudduth, Taylor, Walton, Whitaker, Williams, Wilson and Wright—21.

NAYS—Messrs. Andrews, Bruner, Grover, Howard, Matthews, McKee, Read, Wait, and Walker—9.

Mr. PORTER, Circuit Courts—a bill to regulate the times of the circuit, equity and criminal courts in the 4th judicial district: passed.

Mr. DARNABY, Circuit Courts—a bill to charter the Scott female institute.

Same—a H. R. bill to allow the Columbia quarterly conference of the Methodist church to sell real estate: passed.

PRIVILEGED MOTION.

Mr. McBRAYER moved that the report to the H. R. of the rejection of the bill, by the Senate, to amend the charter of the town of Harrodsburg, be withdrawn from that House: carried.

SPECIAL ORDER FOR 11 O'CLOCK.

"A bill to amend an act entitled, an act to amend the several acts in relation to pedlars," was taken up as the 1st special order for this hour.

A discussion arose on this bill in which several Senators took part.

Mr. BRUNER moved two amendments to strike out "two" and insert "five" years as the time a man shall be a bona fide citizen of the State in order to obtain a license, under this act; and also to strike out "two" and insert "five" years as the time a man shall be a resident of a county before he can obtain license.—The first amendment was adopted, and the second was rejected, by yeas 14, nays 19.

Mr. WHITAKER offered an amendment to prevent the transfer of a license, or the sale by deputy or agent under a pedlar's license.

Mr. SILVERTOOTH offered an amendment to the amendment allowing a pedlar to have an agent or clerk having the same qualifications with his principal; but afterwards withdrew it.

Mr. WHITAKER's amendment was then adopted.

Mr. IRVINE moved to strike out "\$65" and insert "\$200" as the tax for the license for the whole State.

Mr. FISK offered an amendment to Mr. IRVINE's amendment so as to make the "\$65" the price of a State license for three months, instead of a year.

Mr. IRVINE accepted the amendment in lieu of his own.

The amendment was then rejected by yeas 14, nays 21.

Mr. BRUNER offered an amendment.

Before action on it the hour for another special order arrived.

SPECIAL ORDER FOR 1 O'CLOCK.

A H. R. bill imposing a tax upon billiard tables; [authorizes licensing of billiard tables:] the bill passed by the following vote.

YEAS—Messrs. Speaker (King), Andrews, Bledsoe, Buckner, Cosby, Darnaby, Garrard, Gillis, Grover, Grundy, Haycraft, Headley, Howard, Mallory, Read, Ripley, Rust, Silvertooth, Sudduth, Wait, Whitaker, Williams and Wilson—23.

NAYS—Messrs. Bruner, Edwards, Fisk, Irvine, Matthews, McKee, Smith, Taylor, Walton and Wright—10.

PEDLAR'S BILL—RESUMED.

Mr. BRUNER's amendment proposes a tax of 65 cents for each voter in each county a man sells in, in addition to the State tax of \$65 or the license: it was rejected by yeas 14, nays 19.

Mr. GROVER moved the previous question: carried.

The question then came up upon adopting this bill as amended as a substitute for "a bill for the benefit of Jno. Gearen," for which a committee had offered it as a substitute; and it was decided in the affirmative by yeas 19, nays 14.

Mr. MALLORY moved an amendment to exempt Louisville and Jefferson counties, Madison and Garrard, Shelby and Spencer and several other Senatorial districts from the operations of the bill.

Mr. WALTON moved the previous question: ordered, by yeas 31, nays 3.

The vote was then taken upon Mr. MALLORY's amendment, and it was rejected by yeas 17, nays 17.

Mr. PORTER moved that the whole subject be laid on the table: negatived by yeas 15, nays 20.

He was then taken upon ordering the bill to a third reading and it was decided in the affirmative by yeas 21, nays 14.

A MESSAGE FROM THE GOVERNOR

Was received announcing his approval of a bill to amend the charter of the Covington and Cincinnati bridge company; also a message in writing communicating a law of Tennessee for running the line between the States of Kentucky and Tennessee: lies on the table one day.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, Feb. 6, 1858.

Prayer by the Rev. Mr. HARRISON, of the Methodist church.
The Journal of yesterday was read by the clerk.

PETITIONS.

Were presented by Messrs. EAVES and LYON, which were received and appropriately referred.

REPORT.

Mr. W. H. HAMILTON presented the report of the committee on the Penitentiary: which was ordered to be printed.

RESOLUTION.

Mr. WOODS offered the following resolution which was rejected:

Resolved, That the committee on the Judiciary be instructed to bring in a bill regulating the pay of Commonwealth Attorneys: said bill is now in the hands of said committee.

LEAVE OF ABSENCE.

Was granted to Mr. MARSHALL.

UNFINISHED ORDER.

A bill authorizing certain publications in news papers.

Mr. LINDSEY's amendment was adopted. The bill and amendment was then laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. GOODLOE, Claims—a bill for the benefit of J. H. Gilreath of Cumberland county: passed.

Also—a bill to increase the salaries of the Auditor and Treasurer [increases the salaries to \$2500].

The yeas and nays being required by the constitution resulted as follows:

YEAS—Messrs. Speaker (White), Bruce, G. S. Caldwell, Chamblin, Combs, Eaves, Fleming, Foss, Goodloe, G. W. Hamilton, Hansford, Huston, Johnson, Lyne, Lyon, Mitchell, R. Payne, Pennabaker, Rachford, Russell, A. H. Tabbot, Wickliffe, Wilson, Winston, and Worthington—25.

NAYS—Messrs. Anthony, Barbee, Barton, Bates, Belshe, Bowman, Brann, Browder, Brown, Burns, J. L. Caldwell, Clement, Crawford, Crossland, Daily, Daniel, DeHaven, Dobyns, Donan, Ellis, Ficklin, A. H. Field, C. Field, Jr., Gray, W. H. Hamilton, Hardy, Harned, Hensley, Hines, Huey, Jackson, Jones, Kelsey, Kendall, Leathers, Machen, McAfee, McCreary, McDaniel, McMillan, Newcum, Newell, Parker, W. P. Payne, Reid, Richardson, Roach, Roberts, Seebree, Shawhan, Slean, Smith, Sterrett, Stitt, C. P. Talbot, Thomas, Thompson, C. W. White, J. T. White, Whit, Winfrey, Woods and Wooley—16.

So the bill was rejected.

Mr. WINSTON, Claims—a bill for the benefit of James Cummins: rejected.

Mr. MACHEN, Judiciary—an act in relation to fees of commonwealth attorneys with an amendment, which was adopted, and the bill passed.

Mr. HUSTON, Judiciary—a bill to amend and change the 10th section of chapter 13, revised statutes, title "change of venue": passed.

[This bill provides that, when a judge cannot be had to try a party accused of felony, the facts shall be certified to the Governor who shall appoint a judge to try such case.]

Mr. MACHEN, Judiciary—a bill to repeal the 83d chapter, of the revised statutes, for "registration of births, deaths and marriages."

After a lengthy discussion the question was taken on the passage of the bill.

Mr. C. P. TALBOTT demanded the yeas and nays which resulted as follows:

YEAS—Messrs. Anthony, Barbee, Bates, Belshe, Bowman, Brann, Burns, Clement, Crawford, Crossland, Daily, Dickey, Dobyns, Donan, Ellis, Ficklin, C. Field, Jr., Gray, W. H. Hamilton, Hardy, Hensley, Hines, Huey, Kelsey, Kendall, Leathers, Machen, McCreary, McMillan, Newcum, W. P. Payne, Reid, Roach, Russell, Shawhan, Slean, Smith, Sterrett, Stitt, Thomas, Thompson, J. T. White, Winston, Woods, and Wooley—25.

NAYS—Messrs. Speaker (White), Barton, Browder, Brown, Bruce, G. S. Caldwell, J. L. Caldwell, Chamblin, Combs, Daniel, DeHaven, Drane, Eaves, A. H. Field, Fleming, Foss, Goodloe, G. W. Hamilton, Hansford, Harned, Huston, Johnson, Lindsey, Lyne, Lyon, McDaniel, Newcum, Patton, Pennabaker, Rachford, Seebree, Talbot, C. W. White, Whit, Wickliffe, Winfrey, and Worthington—35.

So the bill passed.

Also—a bill for the benefit of the circuit judge and commonwealth attorney for the 10th judicial district: passed.

Also—a bill to alter the mode of raising revenue for county purposes: rejected.

ORDERS OF THE DAY.

Resolutions in regard to the admission of Kansas, which read as follows:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed to urge the representatives of Kansas into the immediate admission of Kansas into the Union, according to the recommendations of the President in his message of the 21st instant, upon an equal footing with the other States of the Union.

Resolved, That the dominant division of the people of the Territory of Kansas having elected a Governor and other State officers, together with a legislature, according to the provisions of the Lecompton Constitution, pledged to organize the Government as soon as admitted into the Union under said Constitution, and therefore provide for the calling of a Convention to amend or reconstruct said Constitution in accordance with the will of the people of said State. It is obvious that the immediate admission of the State will terminate all external agitation, and, in a short time, must bring quiet to that distracted people; whereas the refusal to admit the State as now proposed, would certainly increase the excitement and prolong agitation, which must be attended with serious evils, and might terminate in results which every patriot would deplore.

Mr. HUSTON proposed the following as a substitute for said resolution.

Resolved by the General Assembly of the Commonwealth of Kentucky, That we are in favor of the admission of Kansas into the Union as a slave State, upon an equal footing with the original States, with a republican constitution; but, however much we may desire the admission of Kansas into the Union as a slave State, she ought not to be admitted if Congress is satisfied that the constitution she presents is not approved by a majority of the legal voters of the territory, believing, as we do, that a contrary action would produce further agitation rather than promote peace and harmony among the States or the citizens of Kansas.

Resolved, That a copy of this resolution be forwarded by the Governor to our Senators and Representatives in Congress.

And then the House took a recess until 3½ o'clock, P. M.

AFTERNOON SESSION.

An act for the benefit of the owners of the Nicholas House in Carlisle: passed.

An act to authorize the people of Ohio county to take themselves for road purposes: passed.

An act for the benefit of Wm. T. Walker's heirs of Hickman county: passed.

An act for the benefit of Geo. W. Kouns of Carter county: passed.

An act to increase the terms of the appellate court: laid on the table.

An act to amend the charter of the city of Maysville: passed.

An act to increase the compensation of proceesors of land: passed.

An act to amend section 846, of the civil code of practice: passed.

An act to amend the charter of Concord, in Lewis county: passed.

An act to amend the charter of the town of Vanceburg: passed.

An act to extend the charter of the bank of Louisville, Bank of Kentucky, and Northern Bank.

Mr. WICKLIFFE moved that the bill be referred to the committee of the whole, and made the special order for Monday next at 10½ o'clock, A. M.

To yeas and nays being required thereon by Mr. RUSSELL, resulted yeas 43, nays 35.

So the motion prevailed.

An act authorizing an increase of the capital stock of the Commercial Bank of Kentucky, and the establishment of additional branches.

Mr. HUSTON moved that said bill have its second reading at 11 o'clock on Monday morning next.

Mr. RUSSELL moved a call of the House, which was ordered.

And then the House adjourned.

The President's Message on the Lecompton Constitution.

[CONCLUDED.]

It was necessary, first, to ascertain whether it was the desire of the people to be relieved from Territorial dependence, and establish a State government. For this purpose the Territorial Legislature, in 1855, passed a law for taking the sense of the people of the Territory upon the expediency of calling a convention to form a State constitution. At the general election to be held in October, 1856, the "sense of the people," was accordingly taken, and they decided in favor of a constitution.

It is true that at this election the enemies of the Territorial government did not vote, because they were then the enemies of the people without the slightest pretext of lawful authority in submitting the question of their own for submitting the Territorial government. In pursuance of this decision of the people in favor of the convention, the Territorial Legislature, on the 27th of February, 1857, passed an act for the election of delegates on the 1st day of June, 1857, to frame a State constitution.

This law is as fair in its provisions as any that ever passed a legislative body for a similar purpose. The right of suffrage at this election is clearly and justly defined. Every bona fide citizen of the United States, above the age of twenty-one, and who had resided therein for three months previous to that date, was entitled to a vote. In order to avoid the evils of the foreign-born States and Territories with the freedom and fairness of the election, a provision was made for the registry of qualified voters, and pursuant thereof, nine thousand two hundred and fifty-one voters were registered. Governor Walker did his whole duty in urging all qualified citizens of Kansas to vote at this election. In his inaugural address on the 27th of May he informed them that—

"Under our practice the preliminary act of framing a State constitution is uniformly performed through the instrumentality of a convention of delegates chosen by the people themselves. That convention is now about to be elected by you under the call of the Territorial Legislature, created and still recognized by the authority of Congress, and clothed by it in the comprehensive language of the organic law, with full power to make such an enactment. The Territorial Legislature then, in assembling this convention were fully sustained by the act of Congress, and the authority of the convention is distinctly recognized in my instructions from the President of the United States."

The Governor also clearly and distinctly in forms them what would be the consequence if they did not participate in the election. The people of Kansas then, he says, "are invited by the highest authority known to the constitution to participate freely and manfully in the election of delegates to frame the constitution of the State government." The law has performed its entire appropriate function when it extends to the people the right of suffrage, but it cannot compel the performance of that duty.

Throughout the whole Union, however, and wherever free government prevails, those who abstain from voting are not to be regarded as those who do not vote to that contingency; and absentees are as much bound under the law and constitution, where there is no fraud or violence, by the act of the majority of those who do vote, as if all had participated in the election. Otherwise, as voting must be voluntary, self government would be impossible, and monarchy or despotism would remain as the only alternative.

It may also be observed that at this period any hopes, if such had existed, that the Topeka constitution would ever be recognized by Congress must have been abandoned. Congress had adjourned on the 3d of March previous, having recognized the legal existence of the Territorial Legislature as a permanent body, which I need not enumerate. Indeed, the delegates elected to the House of Representatives under a Territorial law had been admitted to a seat and had just completed their term of service the day previous to my inauguration.

This was the propitious moment for settling all the difficulties of Kansas—the time for abandoning the revolutionary Topeka organization, and for the enemies of the existing government to conform to the laws of the United States, and in framing a State constitution. But this they refused to do, and the consequences of their refusal to submit to the lawful authority and vote at the election for delegates, may yet prove to be of the most deplorable character. Would that the respect for the laws of the land which so eminently distinguished the men of the past generation could be revived in this country, and violation of law which has for years kept the Territory of Kansas in a state of almost open rebellion against its government; it is the same spirit which has produced actual rebellion in Utah. Our only safety consists in obedience and conformity to the law. Should a general spirit against its enforcement prevail, this will prove fatal to us as a nation.

The enemies of Territorial government determined to resist the authority of Congress. They refused to vote for the delegates to the convention, not because from circumstances which I need not detail there was no reason to register, but because comparatively few voters who were inhabitants of certain counties in Kansas in the early spring of 1857, but because they had determined at all hazards to adhere to their revolutionary organization, and defeat the establishment of any other constitution than that which they had framed at Topeka.

The election was, therefore, suffered to pass by default; but of this result the qualified electors who refused to vote can never justly complain. From this review it is manifest that the Lecompton convention, according to every principle of constitutional law, was legally constituted and invested with power to frame a constitution.

"The sacred principle of Popular Sovereignty has been invoked in favor of the enemies of law and order in Kansas; but in no manner is Popular Sovereignty to be exercised in this country if not through the instrumentality of established law? In certain small Republics of ancient times people did assemble in primary meetings, passed laws and directed public affairs. In our country this is manifestly impossible. Popular Sovereignty can be exercised here only through the ballot, and if the people will refuse the exercise of it in this manner, as they have done in Kansas, in the election of delegates, it is not for them to complain that their rights have been violated. The Kansas Convention, thus lawfully constituted, proceeded to frame a Constitution, and having completed the work, finally adjourned on the 7th of November last. They did not think proper to submit the whole of this Constitution to the popular vote, but did submit the question whether Kansas should be a Free or Slave State to the people. This was the question which had convulsed the Union and shaken it to its very centre. This was the question which had lighted the flames of civil war in Kansas, and produced dangerous sectional parties throughout the confederacy.

It was of a character so paramount in respect to the condition of Kansas as to rivet the anxious attention of the people of the whole country upon it alone. No person thought of any other question. For my own part, when I instructed Governor Walker in general terms in favor of submitting the Constitution to the people, I had no object in view except the all-absorbing question of Slavery. In what manner the people of Kansas might regulate their other concerns was not the subject which attracted my attention.—In fact, the general provisions of recent State constitutions, after an experience of eighty years, are so similar and excellent, that it would be difficult to go far wrong at the present day in framing a new constitution. It is then believed, and still believed, that under the organic act the Kansas Convention were bound to submit this all important question of slavery to the people.

It was never my opinion, however, that independently of this act, they would have been bound to submit any portion of the Constitution to a popular vote, in order to give it validity. Had I entertained such an opinion, this would have been in opposition to many precedents in our history, commencing in the very best age of our republic. It would have been in opposition to the principle which pervades our institutions, and which is every day carried into practice—

that the people have a right to delegate to their representatives chosen by themselves, the exercise of power to frame a Constitution, enact laws, and perform many other important acts, without requiring that these should be subject to their subsequent approbation. It would be a most inconvenient limitation of their own power, imposed by the people upon themselves, to exclude them from exercising their sovereignty in any lawful manner which they might think proper. It is true that the people of Kansas might, if they had pleased, required the Convention to submit the Constitution to a popular vote, but this they have not done.

The only remedy, therefore, in this case, is that which exists in all other similar cases. If the delegates who framed the Constitution, in any manner have in any manner violated the will of their constituents, the people always possess the power to change their constitution or laws according to their own pleasure. The question of slavery was submitted to the election of the people on the 21st of December last, in obedience to the manly and patriotic spirit of the Convention. Here again a fair opportunity was presented to the adherents of the Topeka constitution, if they were the majority, to decide this exciting question "in their own way," and thus restore the peace of the distracted Territory; but they again refused to exercise the right of popular sovereignty, and again suffered the election to pass by default. I heartily rejoice that the people of Kansas, by their own action, have shown a large majority of their people on the 21st of Monday in January, and that they did on that day vote under the Lecompton Constitution, for a Governor and other State officers, a member of Congress and members of the Legislature.

This election was warmly contested by the parties, and a large vote polled than at any previous election in the Territory. We may now reasonably hope the revolutionary Topeka organization will be speedily and formally abandoned, and this will go far towards a final settlement of the unhappy differences in Kansas.

If frauds had been committed at this election by one or both parties the Legislature and people of Kansas, under the supervision of Congress, would redress themselves and punish their offenders, but too common crimes without outside interference. The people of Kansas have then "in their own way, and in strict accordance with the Organic Act, framed a Constitution and State government, have submitted the all important question of slavery to the people, and have elected a Governor, a member of Congress, members of the State Legislature and other State officers," and they now ask admission into the Union under the Constitution, republican in its form. It is for Congress to decide whether they will admit or reject the State which has thus been created.

For my own part I am decidedly in favor of its admission, and in terminating the Kansas question. This will carry out the great principle of non intervention, sanctioned by the organic act, which declares in express language in favor of the non-intervention of Congress with slavery in the States and Territories, leaving the people perfectly free to form and regulate their domestic affairs, a matter to which Congress has no right to interfere. This will carry out the great principle of the constitution of the United States. In this manner, by localizing the question of slavery and confining it to the people who are immediately concerned, every patriot anxiously expected that this question would be banished from the halls of Congress, where it has always exerted a baneful influence throughout the country. It is proper that I should refer to the election, held under the act of the Territorial Legislature, on the 21st of Monday in January, on the Lecompton constitution. This election was held after the Territory had been prepared for admission into the Union as a sovereign State, and when no authority existed in the Territorial Legislature which could possibly destroy its existence or change its character.

The election, which was peaceably conducted under my instructions, involved strange inconsistencies. A large majority of the persons who voted against the Lecompton constitution were at the same time and place recognizing its valid existence in the most solid and authentic manner possible. If I have yet received no official information of the result of this election. As a question of expediency, after right has been maintained, it may be wise to reflect upon the benefits of Kansas and the whole country that will result from its immediate admission into the Union as well as the disasters that may follow its rejection. Domestic peace will be the consequence of the admission, and that fine Territory, hitherto torn by dissensions, will rapidly increase in population and wealth, and speedily realize the blessings and comfort which follow agriculture and mechanical industry. The people, then, will be sovereign, and can regulate their affairs in their own way.

If the majority of them desire to abolish domestic slavery within the State there is no other possible mode by which it can be effected so speedily as by its prompt admission. The will of the majority is supreme and irresistible when expressed in an orderly and lawful manner. It would be absurd to say that they can impose fetters upon their own consciences which they cannot afterwards remove. If they could do this they might yet their own hands just as well for a hundred as for ten years. These are the fundamental principles of American freedom, and are recognized in some form by every State Constitution, and if Congress in the act of admission should think proper to recognize them I can perceive no objection.

If the majority of them desire to maintain domestic slavery within the State there is no other possible mode by which it can be effected so speedily as by its prompt admission. The will of the majority is supreme and irresistible when expressed in an orderly and lawful manner. It would be absurd to say that they can impose fetters upon their own consciences which they cannot afterwards remove. If they could do this they might yet their own hands just as well for a hundred as for ten years. These are the fundamental principles of American freedom, and are recognized in some form by every State Constitution, and if Congress in the act of admission should think proper to recognize them I can perceive no objection.

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THE COMMONWEALTH. FRANKFORT.

THOMAS M. GREEN, Editor.
MONDAY, FEBRUARY 8, 1858.
FOR CLERK OF THE COURT OF APPEALS,
GEORGE R. MCKEE,
OF PULASKI COUNTY.

The Governor's house will be open for the reception of company this evening at 7 o'clock, (Monday, February 8,) which will be the last levee of the season.

A meeting of all the citizens of Frankfort is requested at the Court House this evening, at 7 o'clock. Our Senator and Representative are requested to be present.

We publish to day the remainder of the President's message on the Lecompton Constitution, but have no room for comments.

Mr. Read's Explanation.

Below we publish a letter from the Senator from Larue, endeavoring to explain away expressions which we attributed to him in a recent issue. He is right in supposing that we would not intentionally do him or any person any injustice; and we are perfectly willing to give him the benefit of his explanation; although many of his friends will, perhaps, regret that he has seen fit to make one. Whether or not Mr. Read intended to be understood as branding the ministry as the most ignorant class of men in the community, he certainly was so understood by the mass of his auditors. We are not at all surprised that Mr. Read should desire to qualify his remarks by an elaborate explanation of his meaning, as they would have placed him in a very unenviable position even before Democratic constituents, who, however heretical in politics, still have respect for those whom the Creator has selected as his servants. It is very probable that Mr. Read did not mean what he was understood to say, and those who wish him well would be glad to think that he did not mean hardly anything which he has said during the session. We have too high an opinion of Mr. Read personally, to suppose that he has been fully conscious of the exact signification and tendency of anything that he has said this winter.

But Mr. Read's apology or explanation is almost as bad as his offense; certainly it is worse from the fact that it is in print. He begins by an onslaught upon nearly all the School Commissioners in the State, charging them with violating the intention and spirit of the Normal School bill by appointing their own personal favorites as the recipients of the State's munificence, instead of the most meritorious. We are certain that this wanton attack of Mr. Read's is not founded on as certain facts, as the Normal students are universally admitted to be meritorious, studious, intelligent, and worthy young men; and the School Commissioners, as a general rule, are men of too high character to be actuated by the motives which the Senator attributed to them.

Mr. Read thinks that there are a large proportion of the ministers of the gospel who have been induced by friends to enter the pulpit, but who are utterly unfit to discharge the duties of their high and responsible office—in fact, that there is a larger proportion of quacks in the ministry than in any other profession. It is generally held by religiousists that ministers are usually called by God to act as his servants; but from this universally received idea Mr. Read dissents. In his opinion they are more frequently moved to their choice of profession by friends and mistaken notions of their own qualifications, than by the voice of the Almighty pleading with persuasive eloquence to their hearts. He thinks that the talent of teachers and a great many preachers does not run in their respective callings, and that, therefore, they ought not either to teach or preach. Perhaps, taking the same course of argument, the friends of Mr. Read ought to persuade him to desist from speaking in the Legislature, for his talent certainly does not run in that way. He has not the faculty of making himself understood.

But Mr. Read did not mean to say that preachers are the most ignorant men in the community, but merely that they were the most inefficient of all men in their particular profession. Now, if we were not one of the very best humored persons in the world, we might be tempted to say that Mr. Read's case certainly does prove, beyond all cavil, that the preachers he has listened to certainly have been singularly inefficient. But we would not appear at all cynical, and therefore submit his letter to our readers without further comment.

FRANKFORT, Feb. 3, 1858.

Editor of the Commonwealth,
Dear Sir: My attention has been called to an article in your paper of yesterday, in which you say in an editorial, that while the Normal School bill was under discussion in the Senate, that I had said that the preachers were the most ignorant class of all the professions, and without an explanation it is calculated to do me very great injustice.

In the discussion of the Normal School question I gave several reasons, as I thought, why it should be repealed, and one of them was, that under the organization of that school, it was left entirely with the common school commissioners for the various counties to select the beneficiaries or boys that were sent to said schools, and that the result in many cases was, that the selections had been made among the favorites of the commissioners, and not with a view to their merits and adaptation to that of teaching; and I further assumed the position that all educated men would not make good teachers, from the fact that school teaching was a peculiar science, and that it required persons whose genius and temperaments, adapted them to that profession, and that the result would be that many young men would receive an education at the expense of the common school fund, to the prejudice of their fellows, who would not teach an hour, from the fact that it did not suit them, their genius not running that way, and their station in life, and adapted to fill almost any other station, and that an ornament to society. I used the word ignorant as applicable to that idea, which was an oversight in me. I should have used the term

inefficient. By no means did I use it, or intend it, in an offensive sense, I did not mean to cast any undue imputation upon that high, honorable and holy profession.

There is no man who has a higher regard for the ministers of the gospel of peace than I have, and God forbid I should attempt to detract anything from them in their missions of love. There is no man who has a more profound respect for Christianity and the Christian religion than I have. I am fully convinced, sir, that you would not intentionally do me or any other person a wanton injustice, and as your widely circulated paper has gone forth to the world bearing upon its columns the editorial referred to above, you will please do me the kindness to give this letter a place in your columns, so that your numerous readers may have the benefit of my explanation.

Yours truly,
W. B. READ.

MASON COUNTY, February 9, 1858.

Mr. THOS. M. GREEN,
Editor of the Commonwealth:

DEAR SIR: Were I to remain silent upon the recent action of the Kentucky Senate, regarding a claim for my benefit, reported by the committee, and rejected by the vote of the Senate, it would be obvious that I doubted the justice of my demands. It is to the people I now refer my case, and will here make a brief statement to justify the cause.

The Governor of Kentucky authorized me, in his official capacity, with an appointment officially endorsed, instructing me to represent the interest of Kentucky and Kentuckians at the Exhibition of the Industry of all Nations.

The duties devolving upon all Commissioners were arduous, responsible, and expensive, and they were personally responsible for all contributions entrusted to their charge.

I devoted eighteen months, and necessarily expended five thousand dollars, in promoting the interest and maintaining the name and fame of this Commonwealth before the assembled nations of the world.

These facts were proved and authenticated before two Senate committees, which made favorable reports; and the Senate has heretofore acknowledged the indebtedness of the State to me for services rendered and money expended, by its recent vote, decides to repudiate an acknowledged and accepted debt, by receiving my services and monies without fee or reward. Similar assistance that I rendered the State of Missouri, on the same occasion, was promptly and liberally acknowledged; and I take pride in naming this fact that the people may know other States rewarded their servants.

I have yet unbounded faith in the integrity of native Kentuckians, and leave my case to the decision of the honorable recipients of my favors, to say whether the State of Kentucky shall restore an humble individual some portion of a useful, distinguished, and beneficial outlay.

I am, sir, your most obedient servant.

WILLIAM S. RAND.

A bill introduced into the House of Representatives by Mr. Goodloe, "altering the mode of raising county revenue," and rejected on Saturday morning by a very decisive vote, contained a very important principle. It proposed to remove the specific tax now imposed by law on slaves, for county purposes, and to tax them with other taxable property equally. Under the law, as it now exists in Kentucky, slaves bear the whole burden of county taxation. Justice seems to demand that all property ought to be taxed equally, whenever it can be done. It is perfectly practicable to alter the law as was proposed. But, notwithstanding the seeming justice of the measure, as well as its entire practicability, the House rejected it by an overwhelming majority. The principal objections urged against its passage were, that the people had not demanded it, and that it proposed a radical and complete change of the laws now existing upon the subject. We are not sufficiently informed upon the subject to venture an opinion as to the real merits of the proposed change. We suppose that if there is any necessity for the change, the question will assume importance in the next canvass.

Mr. MACHEN'S RESOLUTIONS.—On Saturday Mr. Machen made a lengthy speech advocating the passage of his resolutions instructing our Senators, and requesting our Representatives, to vote for the immediate admission of Kansas under the Lecompton Constitution. Mr. Machen is the acknowledged leader of the Democracy in the House, and his speech may be accepted as an exponent of their views. We are curious to see how they will get around Mr. Huston's substitute, embodying as it does the very first and most vital principles of Republicanism and popular government. Will they dodge it by referring it to a committee, which committee, composed of a majority of Democrats, will undoubtedly smother it? Or will they come out manfully and boldly, and oppose it on principle? We are curious to see, and will wait further development before making any comment.

THE DEAD SEA, PAINTED BY E. TROYE.—This pictorial representation of the Dead Sea and its shores, by an American citizen, is the only accurate portrait of that remarkable and interesting scene in America, and it is believed, in the world. It is a fit accompaniment to Lieut. Lynch's description and survey, and should find a place in the Congressional library. It should be suffered to remain in no private collection, but should become the property of the United States, by all of whose people it might be seen as a work of art; it is open to the judgment and criticism of all, but as an accurately faithful picture, it can only be appreciated by those who, like the artist, spent many days in viewing the scene from various points. This required no little expense, exposure, and peril, which nothing but the enthusiasm of genius would have encountered.

We understand that Mr. Troye has taken this picture to Washington, and we hope that the Congress or the United States will make it a part of the national property, and place it among the trophies of American enterprise.

COURT OF APPEALS.

SATURDAY, Feb. 6, 1858.

CAUSES DECIDED.

Todd v. Wickliffe, Fayette; affirmed.
Witherspoon v. Riley, Anderson; affirmed.
McBryer v. Collins, Anderson; affirmed.
Miller v. Mathena, Anderson; reversed.
Brashear v. Brashear, Hopkins; reversed.
Turner & Co. v. Browder, Christian; appeal dismissed for want of jurisdiction.

ORDERS.

Julian v. Settle, judgment, Anderson;
Hanks v. Dresskill, judgment, Anderson;
Dresskill v. Hanks, judgment, Anderson; life.
Jackson v. Williams, judgment, McLean;
Baker v. Emmons, (2 cases) judgment, Cumberland—were argued.

Mr. MARSHALL'S LECTURE.—On Saturday night this eloquent orator and finished scholar delivered the last of the too short course of lectures on History, which he had promised to deliver before Frankfort audiences. There were persons in the crowd who, although they cheerfully admitted Mr. Marshall's undoubted talent, doubted until Saturday night, whether he could sustain himself in a lecture which required the greatest accuracy and most minute historical knowledge, and, at the same time the most brilliant flights of rhetoric, to do the subject justice. But, for one, we had no such fears, and well did vindicate our hopes and unwavering confidence in the omnipotence of his peerless genius. We had occasionally heard Mr. Marshall in loftier flights than any which burst from his fiery soul on that evening, but never, no, not once, have we ever listened to a discourse from him or any other mortal man which was characterized throughout by a more impressive, chaste, and refined eloquence, or by perfectly sustained vigor of thought.

It is all a mistake for any one to suppose that Mr. Marshall is a mere stump speaker. It requires a subject in the discussion of which he can revel in all the stores of learning which he has treasured up, to show what Tom Marshall really is. He is not only the greatest natural, but he is also the most highly cultivated genius we ever knew. With all the burning and brilliant imagination of a poet, he unites the philosophy of a Bacon.

It is unfair that Mr. Marshall after creating such a warm desire on the part of all to hear him, should close his lectures at the most interesting epochs. The citizens of Frankfort will deem it unkind in him should he refuse their earnest request to permit them again to gather words of sweetness and lessons of wisdom from his lips. Kentuckians would justly complain should he desert the Capital of his native State for the benefit of other cities. Mr. Marshall must gratify the insatiable thirst of our people, even though it may put to some temporary inconvenience. Surely his generous spirit will not refuse?

LAW OF KENTUCKY.

CHAPTER 266.

An act to prevent the wanton destruction of fish in the Kentucky river and its tributaries.

§ 1. WHEREAS, great and wanton destruction of fish is made by persons with seines and nets at certain stages of the water below the several locks and dams of the Kentucky river, thereby wasting and destroying the fish in great numbers, and preventing their passage up the said river and their distribution into the smaller streams thereof;

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person or persons to haul, set, or stretch a net, nor for fishing, at any point in the Kentucky river below any of the locks and dams on said river, or within half a mile of the mouth of any tributary stream between the mouth of the Kentucky river and lock and dam No. 2, on said river.

§ 2. Be it further enacted, That each and every person who shall be guilty of a violation of this act, shall, for each and every such offense, be subject to a fine of fifty dollars, recoverable by warrant in the name of the Commonwealth of Kentucky, before any Justice of the Peace.

§ 3. Be it further enacted, That it shall be the duty of each of the several lock keepers to prosecute, for any violation of this act which may come to his knowledge, and in case of his failure to do so, any other person may prosecute; and, in case of conviction, one-half of the fine shall accrue to the benefit of the prosecutor.

§ 4. Whenever the Justice issues his warrant under this act, he shall also issue an attachment, directing and empowering the officer to seize and attach the net or nets until the warrant is disposed of, when they shall be exposed to sale for the satisfaction of the judgment, if judgment is rendered against the defendant.

§ 5. Be it further enacted, That this act shall take effect from and after its passage.

DANIEL P. WHITE,
Speaker of the House of Representatives.
JOHN Q. A. KING,
Speaker of the Senate.
Approved, February 6th, 1858.
By the Governor, C. S. MOREHEAD.
MASON BROWN, Secretary of State.

SPECIAL NOTICES.

Kentucky State Agricultural Society.

AGRICULTURAL ROOMS, FRANKFORT,
January 14, 1858.

The Board of Directors have this day adjourned to meet again at this place on the second Wednesday in February next (10th,) at which time it is expected the Board will locate the next State Fair, make out the premium list, &c.

All propositions for the location of this Fair are expected to be made at this meeting.

B. J. CLAY, President.

Friendly papers throughout the State are requested to copy.

[Jan. 16—td.]

—We are authorized to announce H. R. MILLER, as a candidate for Jailor of Franklin county, at the ensuing August election.

Jan. 26, 1858—te.

—We are authorized to announce WILLIAM J. STEELE, Esq., as a candidate for the office of Presiding Judge of the Woodford County Court at the ensuing August election.

[Jan. 20—td.]

Special Notice.—To the Public.

We hereby notify our friends and patrons that on after the 1st of January, 1858, we will consider all accounts due semi-annually, viz: 1st of January and 1st of July; and on all accounts not promptly paid at that time, interest will be charged until paid. Thankful for the liberal patronage of our friends and the public, we solicit a continuation of the same, knowing that under our new arrangements that we can and will make it to their interest to patronize us.

Jan. 2, 1857—2m. T. S. & J. R. PAGE.

ART UNION DRAWING.—Wm. P. Brannan—the

Artist—proposes to dispose of six Landscapes, beautifully framed, on the Art Union plan. In addition, there will be a seventh prize—the portrait of the ticket holder which bears that number. The public are respectfully invited to call and see the paintings, over Drs. Rodman & Sneed's office.

January 23, 1858—td.

Special Notice.—To the Public.

We hereby notify our friends and patrons that on and after the 1st of January, 1858, we will consider all accounts due semi-annually, viz: 1st of January and 1st of July; and on all accounts not promptly paid at that time, interest will be charged until paid. Thankful for the liberal patronage of our friends and the public, we solicit a continuation of the same, knowing that under our new arrangements that we can and will make it to their interest to patronize us.

We will continue to keep a good assortment of goods for gentlemen's wear.

GILLISPIE & HEFFNER.

Jan. 11, 1858—td.

800 Barrels Salt for Sale.

A first rate article, low for Cash.

Nov. 18, 1857—td. R. C. STEELE & Co.

I. O. O. F.

CAPITOL LODGE No. 6, I. O. O. F., meets every Monday night at 7 o'clock. Transient members are respectfully invited to attend.

J. J. HAMPTON, Rec. Sec'y.

FLORIAN ENCAMPMENT No. 4, I. O. O. F., meets the second and fourth Thursday nights. Transient members of the Camp are respectfully invited to attend.

J. J. HAMPTON, Scribe.

Dec. 9—td.

Franklin Division, No. 28, S. of T.

Meets every Saturday night in the upper room of the Court House. Members of the Legislature, and other visitors who are Sons of Temperance are cordially invited to attend. By order of the Division.

HENRY WINGATE, W. P.

THOMAS S. PETTIT, Rec. Scribe.

Dec. 8, 1857—td.

Dr. VON MOSCHIZSKER, the well known Oculist and Aurist, and sole owner of his celebrated *Pantoscopic Glasses* is now at the Phoenix Hotel, Lexington. Deafness and all diseases of the Eye which require either medical or surgical operation treated and restored in a very few visits. [See Lexington papers.]

Dec. 10, 1857—td.

Cove Mill Flour.

The undersigned will keep a supply of FLOUR, BRAN, SHORTS, AND CRUSHED CORN, for sale at Hanna's Block, No. 3, Main Street; his flour he warrants in every instance.

Dec. 4, 1857—td. R. C. STEELE.

Wheat Wanted.

At the COVE MILL, by

Dec. 4, 1857—td. R. C. STEELE.

MARRIED.

On the 20th inst., by Eld. R. L. Thurman Mr. JOSEPH MURPHY, of New Orleans, La., to Miss MARIAN MACKLIN, daughter of Alexander W. Macklin, Esq., of Franklin county, Kentucky.

On Tuesday, 24 inst., by Rev. R. Gillispie, Mr. JOSEPH WARREN, of Woodford county, to Miss JANE BELL, of Franklin county.

NEW OWEN HOTEL.

LOUISVILLE, KY.

THIS establishment, located on the corner of 2d and Jefferson streets, has been refitted and much improved, and affords comfortable quarters for travelers. Board and lodging per day \$1.25, which will be found equal to any other Hotel in Louisville.

Feb. 4, 1858—6r.

Powder! Powder!

WE HAVE received on consignment, and will keep constantly on hand, a large lot of BLASTING and RIFLE POWDER, which we will sell at low figures.

Feb. 1, 1857—td. KEENE & CO.

Louisville and Frankfort and Lexington and Frankfort Railroad

OMNIBUS LINE.

THE undersigned wishes to inform the citizens of Frankfort and vicinity, that he is now running a regular line of Omnibuses, to and from the trains from Louisville and Lexington. In connection with the same, he will deliver baggage in all parts of the city.

Orders to be left at the Capital Hotel, Mansion House, and R. R. depot.

JOHN HENDERSON.

J. P. THOMPSON,

DEALER IN FINE

WINES, BRANDIES, WHISKY, &c.,

AND IMPORTER OF THE CELEBRATED

Bouzy Champagne,

No. 76, Fourth street, Old Blue House,

LOUISVILLE, KY.

Jan. 25, 1858—td.

AT COST!

MRS. M. HERRENSMITH

WILL COMMENCE THE 25TH DAY OF JANUARY,

selling at cost a variety of articles of Ladies wear, consisting in part of

CLOAKS, FURS,

Worsted articles of various kinds. Hoop-skirts, quilted skirts, embroidered handkerchiefs, fine flama and silk hose, kid and pigskin gloves, ladies caps, &c., &c.

All of which will be sold at cost for cash until the last of February, 1858.

MARGARET HERRENSMITH,

East side St. Clair street, Frankfort Ky.

Jan. 25—td.

GREENWOOD

FEMALE SEMINARY,

FRANKFORT, KY.

Mrs. M. L. RUNYAN, Principal.

Miss LAURA M. KENDALL, Teacher of Music.

THE Nineteenth Session of this School will commence on Monday, the 11th day of January, 1858.

EXPENSES PER SESSION.

Board, including Washing, Fuel, &c. Lights, 20 00

Tuition in English studies, French and Latin, 20 00

Music on Piano, 25 00

Use of instrument for practice, 30 00

Ornamental, Grecian and Antique Painting, each 3 00

Stationery, 25 00

Instructions in plain and ornamental needle work without charge.

No deduction for voluntary absence.

For further information address the Principal.

Dec. 31, 1857—3m.

Proclamation by the Governor.

\$200 REWARD.

WHEREAS, it has been made known to me that JACKSON TRAILOR, did kill and murder RICHARD ADAMS, in the county of Rowan, and has since fled from justice;

Now, therefore, I, CHARLES S. MOREHEAD, Governor of the Commonwealth of Kentucky, do hereby offer a reward of Two Hundred Dollars for the apprehension and delivery of said JACKSON TRAILOR, to the Jailor of Rowan county within one year from the date hereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Commonwealth to be hereunto affixed, at Frankfort, this 23th day of Jan. A. D. 1858; and in the 66th year of the said Commonwealth.

By the Governor, C. S. MOREHEAD.

MASON BROWN, Secretary of State.

DESCRIPTION.

Said Trailor is about 31 years old; about 5 feet 9 inches high; heavy set; black hair, heavy suit and long black eyes and eye brows, black and heavy, with round countenance, and looks out at you through the eyebrows; very fleshy and rather bloated; looks softly; round faced; and whiskers on the jaw rather dry and small; weight about 165 pounds; and his hair rather tall; low appearance, his clothing janes coat, blue pants, brown shoes on his feet.

Notice

I hereby given, that after the publication of this notice for six weeks, application will be made to the Commissioner of Pensions for the issue of a duplicate of Warrent No. 28,429, dated 11th February, 1845, and No. 184, issued to George Martin, brother, and Evaline Buckley, sister, and heirs at law of Amos J. Martin, deceased, and delivery of said duplicate to the said Regiment Kentucky Volunteers, in the War with Mexico, the same having been lost, and a caveat against its location entered in the General Land Office.

GEORGE MARTIN, EVALINE BUCKLEY.

Dec. 15, 1857—w6r.

SERVANTS FOR HIRE.

HAVE TWO GIRLS AND A BOY TO HIRE FOR the year 1858. One of the girls is a good house servant, the other a careful and excellent nurse, and the boy is a good house and dining room servant.

Dec. 30, 1857—td. J. M. MILLS.

New Bacon.

A SMALL LOT OF NEW HAMS, IN STORE AND FOR SALE BY

WM. H. GRAY. JAS. M. TODD

GRAY & TODD,

CONFECTIONERS AND DEALERS IN

FINE GROCERIES OF ALL KINDS,

Fine Teas, Spices, Fruits, &c.

English and American Sauces and Pickles, Havana Cigars, Foreign and American Sweet Meats, &c.

—ALSO—

FINE OLD WINES, BRANDIES, &c., &c.

OLD STAND, CORNER MAIN AND LEWIS STREETS, FRANKFORT, KY.

GROCERIES, &c., &c.

SUGARS—Prime New Orleans Sugar, Prime Havana Sugar, Double Refined Loaf Sugar, Common Small Loaf Sugar, Double Refined Crushed Sugar, Various qualities Crushed Sugar, Prime Java Coffee, Prime Rio Coffee, Superior Green Tea, Superior Black Tea, Superior Chocolate, New York & St. Louis Golden Syrup, Sugar House Molasses, Plantation Molasses, Mackerel in Barrels to retail, Mackerel in 1/2 Barrels, Mackerel in 1/4 Barrels & Kits, Salmon and Herrings, in store and for sale

Nov. 11, 1857. GRAY & TODD.

FINE LIQUORS.

SUPERIOR Old Whisky in bottles and on draught, Fine Bran dies in bottles and on draught, Madeira, Sherry, Port and other Wines, on draught and in bottles, Scotch and Irish Whisky, Jamaica Rum, Old Rye Whisky, Old Oat Whisky, Assorted French Cordials, Blackberry Cordial, Anise Cordial, Maraschino Cordial, Curacao Cordial, Holland Gin, Schiedam Schnapps. For sale by

Nov. 11, 1857. GRAY & TODD.

TOBACCO! TOBACCO!

WE HAVE JUST RECEIVED OF A LOT OF FINE CHEWING TOBACCO, viz:

5 boxes Star of Richmond, 3 boxes Danassus Blades, 5 boxes Henry Clay, 2 boxes Old Hickory, 2 boxes Buddie's, 6 boxes Natural Leaf, 15 boxes Yarnow Brand, 4 boxes Smoking Scatford Tobacco, 4 boxes Smoking Tobacco, 2 gross Smoking Tobacco papers.

Nov. 11, 1857. GRAY & TODD.

CIGARS! CIGARS!!

WE HAVE JUST RECEIVED, AND NOW OPENING, the largest and finest assortment of

